THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.11109 OF 2007

Between:

R.V.Subba Reddy and another

……Petitioners

vs.

1Sri Veerabhadra Swamy and Kesava Swamy Temple, Kotapadu Village, Sirvel Mandal, Kurnool District, represented by its Executive Officer and another.

…….Respondents.

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O R D E R:

The petitioner claims to be the cultivating tenant of the land belonging to the first respondent temple. It is not in dispute that the claim of the petitioner that he is a landless poor person has not been accepted by the Assistant Commissioner of Endowments. Subsequently, the petitioner was served with a notice under Rule 5(1) of the Rules made in G.O.Ms.No.379, Revenue (Endts-1) Department, dated 11.03.2003 informing him that the lease in his favour stood cancelled with immediate effect and he should handover the possession of the lands within 30 days. Subsequently, when the leasehold rights of the land in question were put to auction, this writ petition is filed contending that the action of the respondent is arbitrary

and illegal.

When the matter is taken up today for consideration, it is brought to my notice that the auction was already conducted and the leasehold rights were granted in favour of the successful bidder.

The learned counsel for the petitioner has not disputed the same, however, submitted that since there is a standing crop on the land in question, it would not be proper to dispossess the petitioner without following due process of law.

Having heard the learned counsel for the petitioner Sri V.T.M.Prasad, learned counsel appearing for the first respondent-temple and keeping in view the plea of the petitioner that there is a standing crop on the land in question, the writ petition is disposed of granting liberty to the petitioner to make appropriate representation before the first respondent to allow him to cut the standing crop. If any such representation is made within one week from the date of receipt of this order, the same shall be considered by the respondent in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

G.ROHINI J.,

Dt.12.06.2007
tjs